

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

BORIS GOLDENBERG, et al.,

Plaintiffs,

v.

INDEL, INC., et al.,

Defendants.

HON. JEROME B. SIMANDLE

Civil No. 09-5202 (JBS/AMD)

ORDER

This matter having come before the Court upon the motion of the FSC/SunAmerica Defendants for partial summary judgment [Docket Item 119] and the cross motion of Plaintiffs for partial summary judgment [Docket Item 133]; the Court having considered the submissions of the parties in support thereof and opposition thereto; for the reasons stated in the Opinion of today's date; and for good cause shown;

IT IS this 27th day of **June, 2012** hereby

ORDERED that the motion [Docket Item 119] of the FSC/SunAmerica Defendants for partial summary judgment against Counts III, XI, and those portions of Counts V and VI that seek recovery of management fees as moot is **GRANTED**; the Counts will be dismissed as moot; and it is further

ORDERED that Plaintiffs' motion for partial summary judgment [Docket Item 133] is **DENIED AS MOOT**.

s/ Jerome B. Simandle

JEROME B. SIMANDLE

Chief U.S. District Judge